

UNITED STATES DISTRICT COURT
 for the
 District of Arizona

In the Matter of the Search of

James Quochytewa
DOB: XX/XX/1954
SSN: XXX-XX-7873

Case No. 22-4162mb

REDACTED

ELECTRONICALLY ISSUED SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of Arizona.
 (identify the person or describe the property to be searched and give its location):

See Attachment A

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized):

See Attachment B

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before June 3, 2022
(not to exceed 14 days)

- in the daytime 6:00 a.m. to 10 p.m.
- at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to the United States Magistrate Judge on duty.

Honorable Camille D. Bibles

(name)

I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized
(check the appropriate box) for days *(not to exceed 30)*

until, the facts justifying, the later specific date of _____.

Date and time issued: _____

Camille D. Bibles

Digitally signed by Camille D. Bibles
 Date: 2022.05.20 16:17:01 -07'00'

Judge's signature

City and State: Flagstaff, Arizona

Honorable Camille D. Bibles, U.S. Magistrate Judge

Printed name and title

Return		
Case No.: 22-4162mb	Date and time warrant executed:	Copy of warrant and inventory left with:
Inventory made in the presence of :		
Inventory of the property taken and name of any person(s) seized:		
Certification		
I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.		
Date: _____	<i>Executing Officer's Signature</i>	
<i>Printed Name and Title</i>		

UNITED STATES DISTRICT COURT

for the

District of Arizona

In the Matter of the Search of)
James Quochytewa) Case No. 22-4162mb
DOB: XX/XX/1954)
SSN: XXX-XX-7873) REDACTED

ELECTRONIC APPLICATION FOR SEARCH AND SEIZURE WARRANT

I, Bureau of Indian Affairs Special Agent Jamie Kootswatewa, a federal law enforcement officer for the government, request an electronic search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

See Attachment A

located in the District of Arizona , there is now concealed
person or describe the property to be seized):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- evidence of a crime;
 contraband, fruits of crime, or other items illegally possessed;
 property designed for use, intended for use, or used in committing a crime;
 a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<u>Code Section</u>	<u>Offense Description</u>
18 U.S.C. §§ 1153 and 2242	Sexual Abuse (Indian Country)

The application is based upon the following facts:

- Continued on the attached sheet (see attached **Affidavit**).
 Delayed notice _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Reviewed by: *s/AUSA Emma Mark*

Pursuant to 28 U.S.C. §1746(2), I declare under penalty of perjury that the foregoing is true and correct.

Sworn by Telephone

Date/Time: _____

City and State: Flagstaff, Arizona

JAMIE

KOOTSWATEWA

Digitally signed by JAMIE

KOOTSWATEWA

Date: 2022.05.19 20:22:03

-07'00'

Applicant's Signature

Jamie Kootswatewa, Special Agent, BIA

Printed Name and Title

Camille D.
Bibles

Digitally signed by Camille D.
Bibles

Date: 2022.05.20 16:15:33

-07'00'

Judge's Signature

Camille D. Bibles, United States Magistrate Judge

Printed Name and Title

REDACTED

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

ELECTRONICALLY SUBMITTED AFFIDAVIT

I, Bureau of Indian Affairs Special Agent Jamie Kootswatowa, being duly sworn, depose and state the following:

1. Your Affiant is a Special Agent (SA) of the Bureau of Indian Affairs (BIA) and is currently assigned to the Hopi Agency. Your Affiant is charged with the investigation of crimes occurring within (among other places) the boundaries of the Hopi Indian Reservation in the District of Arizona. Your Affiant Graduated from the Central Arizona Regional Law Officers Academy in 1996 as a sworn police officer and from the Federal Law Enforcement Criminal Investigator Training Program in 2002 as a Special Agent. Your Affiant has training and experience in the investigation and enforcement of domestic assaults, sexual assaults, kidnapping, armed robbery, domestic violence, aggravated assault, burglary, drug use and possession, and impaired driving (alcohol and drugs).

2. The facts and information contained in this affidavit are based upon my personal knowledge, training, and experience, as well as the observations and investigation of Hopi Law Enforcement Services (HLES) on the Hopi Reservation. Because this affidavit is submitted for the limited purpose of establishing probable cause, it does not contain every fact known to your Affiant concerning this investigation.

INTRODUCTION

3. As more fully detailed below, this case involves allegations of sexual assault that took place within the Village of Kykotsmovi on the Hopi Indian Reservation, in the District of Arizona, on or about May 16, 2022.

4. On May 16, 2022, HLES Officers were notified that James QUOCHYTEWA'S niece, A.H., found a highly intoxicated female, later identified as K.O., naked and crying on QUOCHYTEWA'S bed. A.H. notified emergency services. K.O. then disclosed to HLES Officers that she had been sexually assaulted by QUOCHYTEWA for several hours at his residence.

5. This affidavit supports the application for a search warrant authorizing the search for evidence in the form of deoxyribonucleic acid ("DNA") located in and on the body of QUOCHYTEWA, as set forth in **Attachment A**. There is probable cause to believe that evidence of sexual assault, in violation of Title 18, United States Code, §§ 1153 and 2242 will be located on the evidence seized as part of the investigation. QUOCHYTEWA is particularly described in **Attachment A**, and the evidence being sought is particularly described in **Attachment B**.

INVESTIGATION/PROBABLE CAUSE

6. On May 16, 2022, K.O. was interviewed by HLES Officer Anthony Harris. K.O. stated she walked to QUOCHYTEWA'S residence with her brother B.H. She did not know QUOCHYTEWA prior to May 16, 2022. K.O. stated that she had already had

multiple shots of whiskey and was going to drink more alcohol with B.H. at QUOCHYTEWA's residence. K.O.'s brother got into a dispute with QUOCHYTEWA and left his residence. K.O. indicated that she was highly intoxicated at that point and was unable to walk so she stayed at the residence.

7. K.O. stated that she went to lay down on the bed and QUOCHYTEWA followed her into the bedroom. K.O. fell asleep and awoke to QUOCHYTEWA vaginally penetrating her with his penis and fingers. K.O. stated QUOCHYTEWA was thrusting inside her with his penis and then groped her breasts, buttocks and digitally penetrated her vagina without her consent.

8. K.O. stated that QUOCHYTEWA sexually assaulted her between 5-10 times from the time her brother left to the time she was discovered by QUOCHYTEWA'S niece. QUOCHYTEWA did not wear a condom at any point and K.O. did not believe he ejaculated.

9. QUOCHYTEWA continue to provide K.O. alcohol. K.O. stated that she was semi-conscious during each of the assaults but not fully aware of what was happening. K.O. told QUOCHYTEWA to stop and eventually forced him off of her during the last assault before QUOCHYTEWA'S niece discovered her.

10. On May 16, 2022, K.O. consented to a Sexual Assault Nurse Examiner (SANE) examination at Chinle Indian Health Services in Chinle, AZ. The SANE exam revealed trauma to K.O.'s vagina and swabs for DNA were taken. The sexual assault kit

will be sent to the FBI Crime Lab for analysis.

11. On May 16, 2022, your Affiant interviewed QUOCHYTEWA. QUOCHYTEWA simply stated, "Nothing happened."

THINGS TO BE SEARCHED FOR AND SEIZED

12. Based on my training and experience, your Affiant knows that bodily fluids (such as blood, mucous, saliva, and semen) – being DNA evidence – may be transferred during a sexual assault. DNA evidence such as saliva and semen, can be beneficial in identifying individuals and linking suspects to crimes. In this investigation, a sexual assault exam was conducted, evidence was collected, and will be sent for lab analysis. In addition to the SANE exam kit, a liquid consistent with seminal fluid was collected from K.O.'s underwear, which will also be sent to the crime lab for DNA analysis. DNA standards from the suspect are necessary for comparison to the evidence in this case, including the evidence described above. Such DNA may assist in further identifying QUOCHYTEWA as the perpetrator of the sexual assault in this case.

13. Based on the foregoing, your Affiant respectfully requests the issuance of a search warrant to collect DNA standards from QUOCHYTEWA. Process of collection will be limited to the seizure of DNA standards using two (2) buccal swabs. Method of collection will be oral; that is, by inserting the buccal swabs (2) into the mouth of QUOCHYTEWA for the purpose of collecting saliva (i.e., DNA standards).

CONCLUSION

14. This affidavit was sworn telephonically before a United States Magistrate Judge legally authorized to administer an oath for this purpose. Based on the foregoing, your Affiant respectfully submits that there is probable cause to believe the evidence described in **Attachment B** supporting an investigation of sexual assault, in violation of 18 U.S.C. §§ 1153 and 2242, will be found on James QUOCHYTEWA, described in **Attachment A**.

Pursuant to 28 U.S.C. § 1746(2), I declare that the foregoing is true and correct to best of my knowledge.

JAMIE

KOOTSWATEWA

Digitally signed by JAMIE
KOOTSWATEWA
Date: 2022.05.19 20:23:30 -07'00'

Jamie Kootswatewa, Special Agent
Bureau of Indian Affairs
United States Department of the Interior

Sworn by Telephone

Date/Time: _____

Camille D. Bibles
Digitally signed by
Camille D. Bibles
Date: 2022.05.20
16:14:48 -07'00'

Honorable Camille D. Bibles
United States Magistrate Judge

ATTACHMENT A - DESCRIPTION OF PERSON TO BE SEARCHED

Name: James Quochytewa, a Native American Male

DOB: XX/XX/1954

SSN: XXX-XX-7873

ATTACHMENT B - ITEMS TO BE SEARCHED AND SEIZED

Two (2) buccal swabs from mouth of James QUOCHYTEWA for collection of saliva (DNA) standards. The method of collection shall be oral, by inserting buccal swabs – two (2) separate buccal swabs – into QUOCHYTEWA’s mouth and collecting the saliva (DNA) standards on the buccal swabs.